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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,050	04/02/2004	Dethe Elza	413478006US	2237
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER BASHORE, WILLIAM L	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,050

Applicant(s)

ELZA ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>attached</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/19/07</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed March 19, 2007.
2. Please note that the new examiner of record for this case is William L. Bashore. Please update future correspondence accordingly.
3. Claims 1-19 are currently pending, with claims 1, 8, 10, and 13 being the independent claims.

Information Disclosure Statement

4. A signed and dated copy of applicant's IDS, which was filed on March 19, 2007, is attached to this Office Action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/2007 has been entered.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iverson, Lee, "NODAL: A Filesystem for Ubiquitous Collaboration," Whitepaper, SRI International, September 20, 2001 [hereinafter "NODAL"].**

Regarding **independent claim 1**, NODAL teaches:

*A method in a computer system for loading a version of a hierarchical document, comprising:
creating a snapshot of the hierarchical document;*

(It is noted that a snapshot is defined in the application as follows: "A snapshot completely describes a document at a certain time." See disclosure, paragraph [0081]. NODAL teaches a "cursor object," which is time stamped, to implicitly access the state of the document at the time of the timestamp within the "HistoryWalker class." See, NODAL, downloaded page 21. Therefore, NODAL teaches a "snapshot" as defined in the specification.)

storing a modification made to the hierarchical document;

(See, NODAL, downloaded page 21, teaching that a chain of previous versions is stored.)

receiving a request for a version of the hierarchical document;

((See, NODAL, downloaded page 21, teaching that the document may be reconstructed using the "HistoryWalker class.")

locating a snapshot near the requested version of the hierarchical document;

(See, NODAL, downloaded page 21, teaching that the document may be reconstructed using the "HistoryWalker class.")

loading the located snapshot; and

(See, NODAL, downloaded page 21, teaching to replay the changes made in a document.)

using the stored modification to re-create the requested version.

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(See, NODAL, downloaded page 21, teaching to replay the changes made in a document.)

Regarding **dependent claim 2**, NODAL teaches:

The method of claim 1 wherein a first snapshot is closer to the requested version than a second snapshot when the first snapshot was created closer in time to a requested time than the time at which the second snapshot was created.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 3**, NODAL teaches:

The method of claim 1 wherein a first snapshot is closer to the requested version than a second snapshot when fewer modifications are stored between the first snapshot and the requested version than between the second snapshot and the requested version.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 4**, NODAL teaches:

The method of claim 1 wherein the request is received at a server computing device from a client computing device.

(See NODAL, downloaded pages 20-22, teaching that the document may be constructed from a snapshot including data on a computer other than the one with the history repository.)

Regarding **dependent claim 5**, NODAL teaches:

The method of claim 1 wherein the request is generated by a client computing device in response to a message from a server computing device to undo changes the client computing device applied to a local copy of the hierarchical document.

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(See, NODAL, downloaded page 27, teaching that the client and sever may exchange messages regarding a contemplated mutation. See also, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 6**, NODAL teaches:

The method of claim 1 wherein the method is performed by a client computing device.

(See, NODAL, downloaded pages 24 and 27, teaching that access to the system, including the function of a “snapshot” may be from a client computer.)

Regarding **dependent claim 7**, NODAL teaches:

The method of claim 1 wherein the method is performed by a server computing device.

(See, NODAL, downloaded pages 10 and 27 teaching that the system may be implemented on a server.)

Regarding **independent claim 8**, NODAL teaches:

A computer-readable medium for creating a version of a hierarchical document, the hierarchical document having a node, comprising:

a snapshot of the hierarchical document, wherein the snapshot includes the node and any attributes relating to the node; and

an indication of a mutation applied to the node, wherein the indication includes a time the mutation was applied.

(See, NODAL, downloaded page 21, teaching that the versioning function “snapshot” has a timestamp and that the timestamp is past of the attribution maintained in the node history.)

Regarding **dependent claim 9**, NODAL teaches:

The computer-readable medium of claim 8 wherein the indication of a mutation includes a user requesting the mutation.

(See, NODAL, downloaded page 20, teaching that the file system may also store user attributions to the file attribution, which also includes the last modification time.)

Regarding **independent claim 10**, NODAL teaches:

A system for loading a version of a hierarchical document, the hierarchical document having a node, comprising:

a component that stores a snapshot of the hierarchical document, the snapshot including the node;

a component that stores a mutation applied to the node; and

a component that loads a version of the hierarchical document.

(See, NODAL, downloaded pages 18-22, teaching storing a snapshot of a hierarchical document, including the node, storing the mutations applied to the node in the node attributes, and having the function to reconstruct any version of the stored hierarchical document.)

Regarding **dependent claim 11**, NODAL teaches:

The system of claim 10 wherein the loading includes loading a snapshot near an indicated version and applying stored mutations.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **dependent claim 12**, NODAL teaches:

The system of claim 11 wherein the loaded snapshot is nearer the indicated version than another snapshot.

(See, NODAL, downloaded page 21, teaching that the snapshot may be selected at any timestamp.)

Regarding **claims 13-19**, claims 13-19 incorporate substantially similar subject matter as claimed in claims 1-7, respectively, and are rejected along the same rationale.

6. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

7. Applicants' arguments filed March 19, 2007 have been fully and carefully considered, but they are not persuasive.

Applicants argue that NODAL fails to teach or suggest "creating a snapshot of the hierarchical object; storing a modification made to the hierarchical document... and using the stored modification to re-create the requested version.". Applicant also argues that NODAL fails to teach a snapshot of the entire tree.

The Examiner respectfully disagrees. A snapshot is defined in the application as follows: "A snapshot completely describes a document at a certain time." See disclosure, paragraph [0081]. Since a snapshot completely describes a document, all of the document's nodes are included. NODAL teaches a "cursor object," which is time stamped, to implicitly access the state of the document at the time of the timestamp within the "HistoryWalker class." See, NODAL, downloaded page 21. Therefore, NODAL teaches a "snapshot" as defined in the specification.


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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


WILLIAM BASHORE
PRIMARY EXAMINER

May 28, 2007